REMARKS

This is in response to the Official Action of May 14, 2007, in connection with the above-identified application. Applicants have amended the claims of the instant application in order to more precisely define the scope of the present invention, taking into consideration the outstanding Official Action.

Specifically, Applicants have amended claim 1 to recite that the spacer portion is integrally formed with the barrel body and the flexible holder-supporting seat is sleeved on the spacer portion. Support for these amendments may be found throughout the specification as originally filed, including, e.g., page 7, lines 16 and 17 and Figure 3F.

Applicants respectfully submit that all claims now pending in the instant application are in full compliance with the requirements of 35 U.S.C. §112.

The rejection of claims 1-17 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 7,074,207 has been carefully considered but is most respectfully traversed in light of the amendments to the claims and the following comments.

The Official Action acknowledges that the conflicting claims are not identical, but urges that the claims are not patentably distinct from each other. Specifically, the Official Action urges that the claims of the pending application are anticipated by the claims of the US patent and that the claims of the instant application are broader than the claims of the US patent.

In response, Applicants respectfully submit that each of the independent claims set forth in the instant application recite elements that are not recited in the claims of the '207 patent and that are not obvious variations of the claims of the '207 patent. Accordingly, it is respectfully submit that the assertion that the claims of the instant application are anticipated by the claims of the US patent and/or that the claims of the instant application are broader than the claims of the US patent is erroneous.

With respect to claim 1, Applicants respectfully submit that claims 1-5 of the '207 patent fail to recite the elements of a spacer portion integrally formed with the barrel body and a flexible holder-supporting seat that is sleeved on the spacer portion as

recited in amended claim 1. Accordingly, Applicants respectfully submit that claim 1 and all claims depending therefrom are patentably distinct from the claims of the '207 patent.

With respect to claim 14, Applicants respectfully submit that claims 1-5 of the '207 patent fail to recite the element of a needle unit including a crook disposed at the rear end of the needle holder as recited in original claim 14. Accordingly, Applicants respectfully submit that claim 14 and all claims depending therefrom are patentably distinct from the claims of the '207 patent.

With respect to claim 16, Applicants respectfully submit that claims 1-5 of the '207 patent fail to recited the element of a U-shaped flexible element, wherein the U-shaped flexible element is fastened by the flexible holder-supporting seat and the needle holder as recited in claim 16. Accordingly, Applicants respectfully submit that claim 16 and all claims depending therefrom are patentably distinct from the claims of the '207 patent.

In order to further illustrate the differences between the presently claimed invention and the claims of the US patent, Applicants note that the flexible holder-supporting seat of the present invention is made of flexible material such as rubber, and the needle holder is sleeved by the central hole of the flexible holder-supporting seat on the spacer portion. It is not easy to control the dimension of the flexible holder-supporting seat which is made of flexible material. The cost of manufacturing to control the dimension to be accurate is very expensive.

As shown in, e.g., FIG. 3 of U.S. Patent No.7,074,207, in the safety syringe of the '207 patent, there is no spacer portion disposed integrally within the barrel body 20, and there will be a risk that the needle unit 30 will not be automatically retracted into the plunger body 40 because the inner diameter of the flexible holder-supporting seat 24 is too small and the flexible holder-supporting seat 24 clips the spacer portion 32 of the needle unit 30. There will be another risk that the needle unit 30 will not be automatically retracted into the plunger body 40 because the needle unit 30 has been deformed by the pushing of the plunger body 40.

As shown in FIG. 4A of the instant application, the safety syringe as recited in claim 1 has a spacer portion 212 that is disposed integrally within the barrel body 21 so as to prevent the needle unit 3 from being deformed by the pushing of the plunger body 4, and the flexible holder-supporting seat 24 is pushed by the plunger body 4 to be sleeved on the spacer portion 212 so as to prevent the needle unit 3 from being clipped by the flexible holder-supporting seat 24.

Because of the features recited in claim 1 of the instant application, there will be no need to control the dimension of the flexible holder-supporting seat to be accurate, the reliability is improved, and the cost of manufacturing is decreased.

In view of the foregoing amendments and remarks, it is respectfully submitted claims 1-17 are not unpatentable over claims 1-5 of U.S. Patent No.7,074,207 on the ground of nonstatutory obviousness-type double patenting. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Respectfully submitted,

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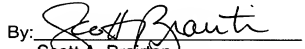
By: 
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August 14, 2007